



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Willis B. Simmons, Inc. & Associates and Toomer
Electrical Co., Inc., a joint venture
File: B-226477

Date: March 17, 1987

DIGEST

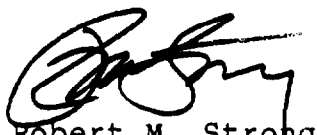
Bidder's failure to certify itself as a small business in its bid on a small business set-aside may be corrected after bid opening.

DECISION

Willis B. Simmons, Inc. & Associates and Toomer Electrical Co., Inc., a joint venture, protests the proposed award of a construction contract, set aside for small business concerns, to Carothers Construction Co., Inc., the low bidder under Department of the Navy invitation for bids (IFB) No. N68248-84-B-4125. The protester contends that Carothers' bid should have been rejected as nonresponsive for failure to include a certification of the firm's small business size status.

It is well established that a bid must demonstrate only the bidder's compliance with the IFB's terms materially affecting price, quantity, quality and delivery to be responsive and acceptable. See Federal Acquisition Regulation (FAR), 48 C.F.R. § 14.405 (1986). The failure to certify size status does not affect the bid's responsiveness because that information is not required to determine whether a bid meets the IFB's material requirements. Extinguisher Service, Inc., B-214354, June 14, 1984, 84-1 C.P.D. ¶ 629. The failure to include the certification therefore may be corrected after bid opening. Gracon Corp., B-224344, July 7, 1986, 86-2 C.P.D. ¶ 41.

Thus, Carothers' failure to certify its size status does not require rejection of the bid as nonresponsive. The protest is dismissed.


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